

### **REMARKS/ARGUMENTS**

Claims 1 and 3-15 are pending after entry of the above amendments. Claim 1 has been amended to include the features of Claim 2, which has been canceled. New Claims 12-15 have been added.

The Office Action rejected Claims 1-11 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,300,119 to Wiernicki. The Office Action noted that Wiernicki teaches (col. 5:10-25) that the signal from the power generator is proportional to the rotational speed of the tire and is used to control the rate of transmission from the sensor.

Amended Claim 1 requires that the control means is arranged to vary the *rate of transmission* of data from the telemetry unit in dependence on the rotary speed of the tire, and further requires that the control means is *adapted to monitor the number and/or frequency of the pulses generated by the power generator in order to determine the appropriate rate of transmission of data*. A specific implementation of this technique is described in Applicant's specification at page 14 beginning at line 10. Briefly, the technique entails the control means counting the number of pulses of electric charge (or, equivalently, the frequency of the pulses) from the power generator, and causing data to be transmitted intermittently at a rate that is based on the number/frequency of pulses. In other words, the transmitter does not continuously transmit a signal carrying the pulses from the power generator, but rather transmits "bursts" at a certain rate that depends on the number/frequency of power pulses.

Thus, there are two different frequencies or rates involved in Claim 1: (1) the frequency of pulses from the power generator (which is a function of the rotary speed of the tire); and (2) the *rate of transmission* of data, which rate is based on the number and/or frequency of pulses from the power generator. Those two rates/frequencies need not be (and in general will not be) the same. For instance, the above-noted part of Applicant's specification describes an example in which data is transmitted once for every 50 pulses from the power generator.

Wiernicki does not disclose or suggest a telemetry unit as claimed in Claim 1. In Wiernicki's telemetry system, his power generator 37 produces pulses that are converted into a square wave or AC signal having a frequency directly proportional to the velocity of the vehicle (i.e., proportional to the wheel rotational speed). That frequency corresponds to number (1) explained in the paragraph immediately above. The square wave or AC signal is transmitted by a transmitter 44 to the receiver. That is, the transmitter is continuously transmitting, and the transmitted signal has a frequency proportional the vehicle speed.

Wiernicki's "data" being transmitted is a square wave or AC signal having a frequency. The frequency of that signal is not the "rate of data transmission" as recited in Claim 1. That is, Claim 1 refers to the "rate of data **transmission**", not the frequency of the data signal.

Nothing in Wiernicki teaches or suggests any control means that is arranged to vary the *rate of transmission* of data from the telemetry unit in dependence on the rotary speed of the tire, or any control means adapted to monitor the number and/or frequency of the pulses generated in order *to determine the appropriate rate of transmission of data*.

For these reasons, Applicant submits that Claim 1 is patentable over Wiernicki. Dependent Claims 3-11 include all of the features of Claim 1 and thus are likewise patentable.

New Claims 12-15 are also submitted to be patentable over Wiernicki.

### Conclusion

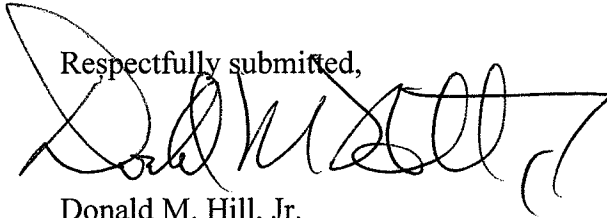
Based on the above amendments and remarks, Applicant submits that the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

Appl. No.: 10/529,603  
Amdt. dated November 17, 2009  
Reply to Office Action of August 21, 2009

therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald M. Hill, Jr.", written over the text "Respectfully submitted,".

Donald M. Hill, Jr.  
Registration No. 40,646

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON November 17, 2009.**